

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JOANN ERHARDT,
Plaintiff,

v.

THERAPEUTIC PROGRAMS, INC.,
Defendant.

*

*

*

*

*

*

*

Civil Case No. 2:06cv807-ID

REPORT OF PARTIES' PLANNING MEETING

1. **Appearances.** Pursuant to Fed. R. Civ. P. 26(f), a meeting was held via telephone on October 30, 2006, between the following participants:

Jay Lewis
Law Offices of Jay Lewis, LLC
Attorney for Plaintiff

Bruce J. Downey, III
Capell & Howard, P.C.
Attorney for Defendant

2. **Pre-Discovery Disclosures.** The parties will exchange by December 2, 2006 the information required by Fed. R. Civ. P. 26(a)(1).
3. **Discovery Plan.** Discovery will be required on the allegations made in Plaintiff's complaint and the defenses raised in Defendant's answer. The parties jointly propose to the court the following discovery plan:
- a. All discovery commenced in time to be completed by the pre-trial conference;
 - b. There will be a maximum of 30 interrogatories by each party to any other party. The responses will be due 30 days after service.
 - c. There will be a maximum of 30 requests for production of documents by each party to any other party. The responses will be due 30 days after service.
 - d. There will be a maximum of 30 requests for admission by each party to any other party. Responses will be due 30 days after service.

- e. The parties agree that no more than eight depositions may be taken by a party without leave of the court or agreement of the parties. Each deposition is limited to a maximum of six hours unless extended by agreement of the parties, except that the deposition of parties shall be limited to seven hours.
- f. Reports from retained experts under Rule 26(a)(2) will be due from Plaintiff by June 15, 2007, and from Defendant by July 15, 2007.
- g. The parties agree to supplement discovery pursuant to Rule 26(e).

4. **Other items.**

a. **Scheduling Conference**

The parties' do not request a conference with the court before entry of the Scheduling Order. To the extent the Court prefers to hold such a conference, the parties' respectfully request that it be handled telephonically.

b. **Pretrial Conference**

The parties request a pretrial conference in September, 2007.

c. **Additional Parties, Claims and Defenses**

Plaintiff must join additional parties and amend the pleadings by December 15, 2006. Defendant must join additional parties and amend the pleadings by January 15, 2007.

d. **Dispositive Motions**

All potentially dispositive motions should be filed ninety days before pre-trial conference.

e. **Settlement**

Settlement and the possibility of mediation cannot be evaluated until some discovery is complete.

f. **Trial Evidence**

The final list of witnesses and trial evidence under Rule 26(a)(3) should be due 30 before trial. The parties should have 14 days after service to list objections under Rule 26(a)(3).

g. **Trial Date**

This case should be ready for trial by November 5, 2007, and at this time is expected to take approximately 3 days of trial time.

Date: October 30, 2006

/s/ JAY LEWIS
Jay Lewis
Attorney for Plaintiff
Law Offices of Jay Lewis, LLC
P.O. Box 5059
Montgomery, Alabama, 36103
334-263-7733 (voice)
334-263-7733 (fax)
J-Lewis@JayLewisLaw.com
ASB-2014-E66J

/s/ BRUCE J. DOWNEY, III
Bruce J. Downey, III
Attorney for Defendant
Capell & Howard, P.C.
P.O. Box 2069
Montgomery, AL 36102
334-241-8000 (Voice)
334-323-8888 (Fax)
Bjd@chlax.com
ASB-9205-W86B